S.B.CIVIL WRIT PETITION NO.2136/2007

Guman Singh
v.
State of Rajasthan & Ors.

Date of Order :: 6th August, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. P.S.Bhati, for the petitioner.

....

By this petition for writ a challenge is given to the order dated 23.12.2006 passed by learned Additional Collector (Land Records), Jodhpur exercising powers under Section 97 of the Rajasthan Panchayati Raj Act, 1994 (hereinafter referred to as "the Act of 1994". By the order aforesaid the Additional Collector (Land Records), Jodhpur accepted the revision petition preferred by Swami Dayaldas to challenge the patta issued by Gram Panchayat Kosana Tehsil Bhopalgarh in favour of the petitioner. While doing so the revisional authority held that while issuing patta in favour of the petitioner on 5.11.2003 no proceedings as required for making such allotment of land in accordance with the Act of 1994 and the Rules framed thereunder was adhered. The Additional Collector (Land Records), Jodhpur also held that there was certain interpolation of dates in the proceedings and that warranted remand of the matter for fresh adjudication.

While assailing validity of the order impugned, it is contended by counsel for the petitioner that there was no need to remand the matter to Gram Panchayat, Kosana to decide the same afresh in accordance with the law as before issuance of patta complete procedure prescribed under the Act of 1994 and the Rules framed thereunder was adhered.

I do not find any substance in the contention so raised. From perusal of the order passed by the Additional Collector (Land Records), Jodhpur dated 23.12.2006 it is apparent that certain dates were changed relating to notice inviting objections. A finding of fact is also given by the Additional Collector (Land Records), Jodhpur that mandatory provisions of the Act of 1994 and the Rules framed thereunder were also not adhered. Such finding of fact does not suffer from any perversity or from any error that may be said to be touching to jurisdiction, thus, no case is made out for interference under Articles 226 and 227 of the Constitution of India.

The writ petition is accordingly dismissed.

(GOVIND MATHUR),J.

Kkm/ps.